

REMARKS

In the Office Action claims 21-29 have been rejected under 35 USC 103(a) over Itoh in view of Lo, and further in view of Truc et al (USP 6,882,359). As has been established previously in prosecution, the Lo and Itoh references cannot be combined to teach a system of “requesting data wherein the system polls a local location and the data” (language from the Office Action). For this missing element, the rejection points to the tertiary reference, Truc, at column 10, lines 6-14 thereof; and this combination of teachings was refuted in the previous Amendment.

In the Final Office Action, it is argued that Truc was never cited for teaching of claim limitations such as “a destination computer among a population of computers” or “image data moving from the input scanner *directly to a port* associated with the destination computer.” Rather, Truc was cited simply to show the concept of polling a file location for image data. “Polling” is of course a well-known concept in computer science, and Truc may indeed show an instance of polling a file in a scanning context; but Truc is irrelevant to the claimed invention because it lacks any relevance to network communication.

Claim 21, from which all other claims in the rejection are ultimately dependent, recites:

entering, at a user interface associated with the **input scanner**, a destination of a document scanned at the input scanner, the destination including a reference to a predetermined file location retained in the destination computer;

the **destination computer** polling the file location ...

What is recited in claim 21 is beyond simple “polling:” what is being polled is incoming data from a source *beyond* the destination computer, i.e., the input scanner. Communication between two distinct entities, a scanner and a destination computer, is essential to the recited polling operation. Truc is directed to a *self-contained, non-network* film scanner, in which analog slides and film strips are scanned and their images converted to digital data. There is *no pretense of network communication* in Truc, and therefore there is no idea of a “destination computer” as recited in claim 21. **Truc does not teach the claimed element of a destination computer polling a file location, because there is no destination**

computer in Truc. Absent a disclosure of this limitation, claim 21, from which all other claims in the rejection are ultimately dependent, cannot be held obvious in view of these references.

The claims are therefore in condition for allowance.

In the event the Examiner considers personal contact advantageous to the disposition of this case, he is hereby requested to call the undersigned attorney at (585) 423-3811.

Respectfully submitted,

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